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# THE PROHIBITION PLEBISCITE

DISCUSSED BY GOLDWIN SMITH.

The issue of Prohibition is now fairly before us, and surely we may discuss it as fellow-citizens having the same end in view, without disparagement to each other's character and motives. The policy of Prohibition is questioned not only by the liquor interest but by a great body of people totally unconnected with that interest, friends of temperance and temperate themselves, who are opposed to prohibition because they sincerely believe that besides trenching on personal liberty it fails of its object and always has done, and is likely always to do more harm than good to public morality.

Drunkenness we all abhor and despise. On that subject, opinion which formerly was unsound, is now perfectly sound. It constitutes a social law really more powerful, more certain in its operation, surer in the infliction of its penalties than laws written on the statute book and enforced by the police. The man who is known to be a drunkard is socially and industrially under a ban. Nobody is willing to employ him; he forfeits his chances of marriage; the insurance office shuns him; disgrace and poverty are his lot. It used to be far otherwise. Excess in liquor was once almost a part of hospitality. But it is not so now. This very temperance movement is a proof of the strength of feeling on the question which makes itself felt in all departments and relations of life.

When Prohibition has been tried what has been the practical result? We have a right to ask this when we are called upon to make what all admit to be a very costly as well as a very critical experiment. We should have to sacrifice seven millions of revenue. We should have to kill the capital invested in the trade, amounting, it seems, to fifty millions. We should have to throw out of work thousands of people directly or indirectly earning their bread by the business. We should have seriously to injure the growers of barley, cider apples and grapes. If we admitted, as in justice we could hardly fail to admit, a claim for compensation, another large item would be added to account of loss. We should have to pay for the additional police necessary to guard our immense frontier and to coerce the less settled sections of the population, such as the mining adventurers of the West. We might possibly have to coerce Quebec. We should further imperil the interests of our country by proclaiming it to be under an ecclesiastical and ascetic rule which many, rightly or wrongly, abhor. Without setting material loss against moral gain, we are entitled to proof, before incurring so great a material loss, that we are sure of the moral gain. Prohibitionists themselves, regardless as they may be of worldly interests, compared with the principle, would not wish to see the cause of temperance saddled with the memory of a ruinous failure.

We all, it may be presumed, prefer liberty and the virtue which is freely formed. Temperance in its proper sense is self-restraint, and would cease to exist if abstinence were enforced by law. However, in desperate cases, desperate remedies must be applied. But is the case of Canada desperate? Is Canada a drunken country? Is it not on the contrary, temperate and increasingly so? Have not education, religion, and the teachings of medical science been doing their work? Professor Blaikie thought he was scoring a point for Prohibition by complimenting Toronto on the freedom of its streets from drunkenness. But Toronto was not under the Scott Act.

There have been false alarms. A temperance lecturer once said that there were 10,000 deaths in Canada annually from alcohol. Ten thousand would be more than half the male adult deaths in the Dominion. Even three thousand or four thousand deaths from alcohol, the estimates of the Honorable George E. Foster and the Honorable G. W. Ross respectively, must be very far beyond the mark.

We have tried Prohibition in the form of the Scott Act. County after county adopted the Act; county after county repealed it by majorities larger than those by which it had been past, finding, as there was a large body of evidence to show, that while the Act stopped social conviviality, it increased secret indulgence; that it led to contraband traffic in liquor, to contempt of the law, to perjury, to the evils of the spy system, to disturbance of neighborly peace and good will. Here was a genuine popular verdict founded on a practical trial of the system. Nor was it really reversed by the subsequent provincial plebiscite in favor of Prohibition carried by a majority in the proportion of nineteen to eleven, while only 58 per cent. of the vote was

polled, and the balance might safely be set down as in the main opposed or indifferent. The enactment and repeal of the Scott Act were legislation approached by the voter with a full sense of responsibility. The plebiscite was not legislation; it was a mere fancy vote.

It may be said that the Scott Act was local and that the area was not large enough to keep off contagion. But would the area of Canada be large enough to keep off contagion? Would not the taste be revived in every Canadian who crossed the line or went to England? Popular literature, such as the works of Dickens, is full of the convivial use of liquor, and its influence no law could annul. There would be little hope, therefore, of eradicating the desire in the long line of provinces stretching from the Atlantic to the Pacific.

It is said that the repeal of the Scott Act was followed by an increase in drunkenness. This is not unlikely. Overtraining is naturally followed by a recoil. Puritan over-strictness was avenged by the outburst of licentiousness in the reign of Charles II.

Massachusetts, the model State of the Union, tried Prohibition for a series of years, and gave it up, finding that the closing of the public places of sale multiplied the secret places; that more liquor and worse liquor was drunk; and that there was more drunkenness in Boston than ever. "The mere fact," says the report, "that the law seeks to prevent them from drinking, rouses the determination to drink in many. The fact that the place is secret takes away the restraint which in more public and respectable places would keep them within temperate bounds. The fact that the business is contraband and liable to interruption, and that its gains are hazardous, tends to drive honest men from it and leaves it under the control of dishonest men who will not scruple to poison the community with vile adulteration."

Vermont, a rural State without slums, tried Prohibition for forty years, piled one repressive enactment upon another, heaped up penalties, gave the police power to enter any house without a warrant. The result, as stated by Mr. Edward Johnston, in the Popular Science Monthly for May, 1884, was that for all practical purposes the law was a dead letter. There were dram shops in the principal streets, and no concealment of the illegal traffic. Nobody dreamed of enforcing the law, as the laws against burglary and larceny are enforced. Perjury and subornation of perjury, disregard and contempt of all law, were practically fostered and encouraged.

In Iowa, a correspondent of Harper's Weekly reported that Prohibition in the cities meant free liquor. A correspondent of the New York Nation confirmed the statement. Dr. Die Lewis, in places where he had been assured that drink could not be had for love or money, saw drunkards reeling in the streets. In Iowa City he saw from seventy-five to one hundred kegs of beer delivered on trucks. The business directory of Dubuque, a city of 35,000 inhabitants, comprised two breweries, thirty-five hotels, ten wholesale liquor places, and one hundred and eighty-one saloons. Formal prosecutions were a mere mode of raising a tax. Druggists' shops were turned into liquor shops, with a few drugs in the window.

In Kansas, the State of Governor St. John, the chosen chief of Prohibition, where the most stringent Prohibition has been enacted, the result, according to Dr. Gardner, was that the drug stores were little more than rum shops, and that their number was astonishing. In one town of four thousand people, fifteen of them were counted on the main street. Leavenworth, with a population of 23,000, had a hundred and seventy-five places where liquor was sold. In Kansas City the police collected in 1882 \$45,000 in fines for illegal sale of liquor. There is a general tendency to convert Prohibition, where it prevails, practically into license by taking the fees under the guise of fines. In Tongawoxie, a small town in Kansas, where there was no saloon before Prohibition, there were three or four afterwards. This is against the theory that Prohibition works well in small places, though in large cities it works ill. At Topeka in Kansas there are no saloons. But there were none when Prohibition was introduced, popular feeling being against them. A proof that it is popular feeling that is strong, rather than prohibitive law.

Maine is the banner State of Prohibition. It had been trying the system for nearly half a century, time enough to kill the liquor traffic, if the liquor traffic was to be killed. Yet "Gail Hamilton," who knew the State well, said in The North American Review: "The actual result is that liquor is sold to all who wish to obtain it, in nearly every town in the State. Enforcement of the law seems to have little effect. For the past six years the city of Bangor has practically enjoyed free rum. In more than one hundred places liquor is sold, and no attempt has been made to enforce the law. In Bath, Lewiston, Augusta, and other cities, no real difficulty is experienced in procuring liquor. In Portland, enforcement of the law has been faithfully attempted, yet the liquor traffic flourishes for all classes from the highest to the lowest. . . . In a journey last summer for hundreds of miles through the cities and through the scattered villages and hamlets of Maine, the almost universal testimony was 'you get liquor enough for bad purposes in bad places, but you cannot get it for good purposes in good places.'" "What works against Prohibition," the writer added, "is that in the opinion of many of the most earnest total-abstinence men, the original Maine-Law State, after thirty years of Prohi-

bition, is no more a temperance State than it was before Prohibition was introduced." It appears that upwards of 1,000 people in the State paid United States retail liquor tax, though Archdeacon Farrar was informed that the trade had been completely driven out of sight. With these accounts the general results and most recent enquiries appear to correspond.

Gen. Neal Dow himself, upbraiding his former party for its slackness in the cause, complained of the number of low drinking places infesting the cities of Maine. The New York Sun, after investigation carried on through its correspondent, said: "The actual state of affairs in Maine is perfectly well understood by every Maine man with eyes in his head, and by every observant visitor to Maine. In no part of the world is the spectacle of drunken men reeling along the streets more common than in the cities and larger towns of Maine. Nowhere in the world is the average quality of the liquor sold so bad; and consequently so dangerous to the health of the consumer and the peace of the public. The facilities for obtaining liquor vary in different parts of the state, from the cities where fancy drinks are openly compounded and sold over rosewood bars, to the places where it is dispensed by the swig from flat bottles carried around in the breeches pockets of perambulating dealers. But liquor, good or bad, can be bought anywhere." Perjury, the Sun correspondent also stated, as usual, was rife. In the cities of Maine, though the law had been forty-six times amended to sharpen its teeth, liquor, generally of a bad kind, was freely though clandestinely sold. "Pocket peddling" was rife, and pressed the temptation on the young. The city of Bangor had openly taken itself out of the law, and established a liquor system of its own. In Portland the city government sold liquor nominally for medicine, but really also as a beverage, and the agency was a scene of falsehood, jobbery and corruption. The corruption of city officers was an almost inevitable and a serious consequence of the system. Some of those who administered the law in Maine were among the strongest advocates of repeal, and of a return to the license system. They tried to give effect to the law. They fined, they imprisoned, they perhaps ruined one set of liquor dealers, and the only result was that a worse set succeeded.

It is said that in Maine the abuse is confined to the mixed population of cities, especially the seaports, and that in the rural districts the law is successful. It is apparently successful in the rural districts, because there people are temperate of their own accord. It fails where coercion is needed.

I interviewed Neal Dow, the venerable patriarch of prohibition. It may have been a casual mood, but he seemed to me to be disappointed and somewhat embittered. The wife of a man imprisoned for liquor selling had sold some liquor, which was left in the house, to buy bread. Neal Dow spoke of her offence and of the punishment which she merited in very extreme terms. Moral crusades have done much for us. But moral crusaders are apt in their zeal to overstep the limits of justice. The Scott Act set up arbitrary tribunals, forced a man to incriminate himself, compelled husband and wife to break the marriage vow by testifying against each other. The practice of forcing the consciences of candidates at elections is not consistent with public morality, or with true loyalty to the commonwealth, whose general interests it disregards. Traders in liquor are treated as assassins, and put out of the pale of justice, though they have been specially recognized by the state, which has received their license fees.

Some years ago seventy or eighty taverns were suddenly closed in Toronto. The keepers of the taverns could not starve. They sold liquor secretly, and the result was an unusually drunken Christmas. The tavern door, when you have closed it by law, ceases to tempt; but the illegal liquor seller may be a more active tempter.

In all these cases the law, no doubt, has its friends. It could not otherwise have been passed, and its friends naturally give a favorable account of its operation. Much evidence of that kind was given to the Canadian Commissioners, and has formed the basis of a minority report. But, making the fairest allowance for this, and supposing the evidence to be balanced, it is surely impossible to say that in any case there is such practical proof of the success of prohibition as would warrant us in encountering all the cost and risks of a sweeping measure for the whole Dominion. Improvement which was really spontaneous may sometimes have been credited to law.

Evidence of the evils of drunkenness, though largely given, is not to the point. The evils of drunkenness nobody disputes. The question is only as to the practicability and efficacy of the remedy now proposed.

Imposing statistics are brought to prove a connection between drinking and crime; and it is inferred that if you stop drinking, crime will cease. Is there not a fallacy here? In most cases, is it drinking that is the parent of crime, or is it not rather depravity of nature, inherited or induced by circumstances, that is the parent of both? Besides, criminals have learned the trick of pleading drink as the origin and excuse of their crimes. There is no absence of crime in Turkey, where the Koran prohibits drink, or in Spain, which is noted for temperance. We are also told that drunkenness is the great source of poverty. That drunkenness, where it



exists, is a source of poverty cannot be questioned. But the sources of poverty are countless including fluctuations of industry, decline in the value of products, and other economical causes, as well as personal infirmities, disease, and mere idleness and thriftlessness, which are often found apart from addiction to drink. The poverty of the millions in Hindoostan has not its source in drink.

That the moderate use of liquor must lead to excess is an assumption at variance with facts. English gentlemen use wine daily, and abhor drunkenness. Millions and tens of millions in other countries do the same. In Spain, we are told, everybody drinks a little wine, yet a drunken man is almost a prodigy. Croker, in his "Travels in Spain," says, "The habitual temperance of these people is really astonishing; I never saw a Spaniard drink a second glass of wine." Another English tourist says: "In all our wanderings through town and country, along the highways and byways of the land from Bayonne to Gibraltar, we never saw more than four men who were the least intoxicated." Mr. Bryant, the American author, has confirmed this account.

Nothing can be better proved than that to carry into effect laws of this kind in a free country you must have the conscience of the people thoroughly and actively with you. Men may vote for Prohibition from general hatred of intemperance; perhaps under ministerial or personal influence; but will their conviction be strong enough to make them join heartily in giving effect to the law? They would do their best to bring a murderer or a thief to justice. Will they do their best to throw into jail and ruin a neighbor otherwise harmless, perhaps a friend or acquaintance, for selling or drinking a glass of whiskey or ale? Will they not be apt, even if they are abstainers themselves, rather to help him to get off? The people do wrong in breaking or evading the law; but the legislator does wrong in making a law which the people are sure to break.

No fair-minded prohibitionist can think that the use of fermented liquors is so clearly immoral that in suppressing it the consciences of all men will be with you. Christ undoubtedly used wine; His apostles used it; He made it an element of His most sacred ordinance forever. An overwhelming majority of mankind still use fermented liquors. The taste is co-extensive and co-eval with humanity. In the earlier mythologies there are gods of wine. The great Prohibitionist, Archdeacon Farrar, most positively disclaims the belief that the moderate use of liquor is criminal. Mr. Gladstone is known to have used wine.

Nor can you reasonably say that all fermented liquor is poison when you see moderate drinkers living to a hundred, and find moderate use still prescribed by eminent physicians. You may think, possibly with a reason, that whisky or beer is unwholesome; though the constitutions of men may differ in that respect. But merely an opinion that an article of diet is unwholesome, especially when the opinion is so far from being universal, is not a sufficient ground for the interference of the law. Behind this agitation for the prohibition of drink begins to loom an agitation for the prohibition of tobacco. If the experts of medical science would pronounce unanimously, or with any approach to unanimity, that the moderate use of liquor necessarily generated disease and shortened life, the effect would presently be seen.

Those who sincerely believe that such laws are a tyrannical misuse of political power, in resisting as far as they lawfully could, the application of the measure, would be acting no less conscientiously than those who were striving to put it in force.

Prohibition discriminates against the lighter drinks, such as wine, beer and cider, and in favor of whisky, because the bulk of whisky being less, it is more easily smuggled, while its clandestine manufacture is more easily concealed. Besides there are other intoxicants, such as opium and chloral, the use of which would be likely to increase when liquor was withdrawn.

Legal prohibition kills voluntary efforts such as that of Bands of Hope or the Good Templars, which have done so much to diminish drinking. It is believed that this effect is already felt in advance, and that it accounts for a slight increase of inebriety in some places. Nor, if coercion fails, will organization for voluntary effort be easily revived.

Everybody admits that the liquor trade has its special dangers, and stands in special need of legislative supervision and control. These may be applied to any extent and in any form which may seem expedient so long as the trade is in recognized and responsible hands. When the trade becomes contraband all regulation is practically at an end.

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GOLDWIN SMITH,

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